

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD RENKOWIC

Plaintiff,

v.

FRANKLIN COUNTY HOUSE OF
CORRECTIONS
SHERIFF FREDERICK MACDONALD,
SUPERINTENDENT BYRON,
DEPUTY SUPERINTENDENT SHEPARD
DEPUTY SUPERINTENDENT FRITZPATRICK,
CAPTAIN HILL, SARGEANT CINDY
HAWKENS AND
SECRETARY DEFEO

Defendants.

CIVIL ACTION
NO. 04-30202-MAP

FILED
JAN 18 2005
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANSWER OF THE DEFENDANTS AND DEMAND FOR JURY TRIAL

Now comes the Defendants Sheriff Frederick Macdonald, Superintendent Byron, Deputy Superintendent Shepard, Deputy Superintendent Fritzpatrick, Captain Hill, Sargeant Cindy Hawken and Secretary Defeo, (the "Defendants") in the above-entitled action and answer the Plaintiff's Complaint as follows:

1. The Defendants admit the allegations of paragraphs one through seven, inclusive, of the Plaintiff's Complaint.
2. The Defendants have insufficient knowledge or information to admit or deny the allegations of paragraph eight of the Complaint and therefore deny such allegations.
3. The Defendants have insufficient knowledge or information to admit or deny the allegations of paragraphs nine through 17, inclusive of the Complaint and therefore deny such allegations.

AFFIRMATIVE DEFENSES

Further answering, the Commonwealth asserts the following affirmative defenses:

First Affirmative Defense

The Plaintiffs have failed to state a claim upon which relief can be granted.

Second Affirmative Defense

This court lacks jurisdiction over the subject matter of this action.

Third Affirmative Defense

All conduct by the defendants was privileged, reasonable and necessary to effect a lawful

detention of the Plaintiff.

Fourth Affirmative Defense

All conduct by the defendant was privileged, reasonable and necessary.

Fifth Affirmative Defense

The Defendants answering herein are entitled to qualified immunity for their actions and conduct.

Sixth Affirmative Defense

Any injuries sustained by the plaintiff resulted from a superseding and intervening cause for which the Commonwealth is not legally responsible.

Seventh Affirmative Defense

The alleged actions of the Defendants were neither the proximate nor actual cause of the injuries or damages of which the plaintiff complains, if actually incurred.

Eighth Affirmative Defense

If the plaintiff incurred the injuries or damages complained of, such injuries or damages were caused in whole or in part by the actions of third parties, the conduct for which the Commonwealth or its agencies or employees are not liable.

Ninth Affirmative Defense

The Plaintiffs have failed to file this action within the time provided by statute for filing such actions.

Tenth Affirmative Defense

There were no "threats, intimidation, or coercion."

Eleventh Affirmative Defense

The claims are barred by res judicata and collateral estoppel.

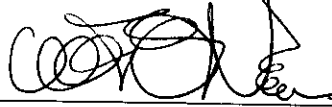
Other Affirmative Defenses

The Defendants hereby give notice that they intend to rely upon such other and further defenses which may become available or apparent during discovery proceedings in this case and reserves the right to amend its answer to assert such defenses.

THE DEFENDANTS REQUEST A JURY TRIAL

Respectfully submitted,
The Defendants
By Their Attorney,

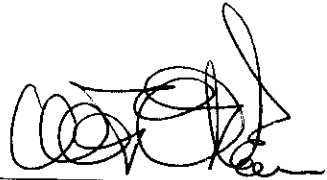
THOMAS F. REILLY
ATTORNEY GENERAL



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CERTIFICATE OF SERVICE

I, William P. O'Neill, hereby certify that on January 14, 2005, I served a copy of the foregoing **ANSWER OF THE DEFENDANTS AND DEMAND FOR JURY TRIAL** by First-Class Mail, postage prepaid upon plaintiff pro se: Donald Renkowic, 205 Rocky Hill Road, Northampton, Massachusetts 01061.



William P. O'Neill
Assistant Attorney General